

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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JEFFERY BAKER JR,

Petitioner,

vs.

RUSSELL THOMAS, *et, al.*,

Respondents.,

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Case No. 2:06-CV-061-ID

CLARA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

**TO: HONORABLE IRA DeMENT
SENIOR UNITED STATES DISTRICT JUDGE**

**MOTION TO PUBLISH THE FINDINGS AND
RECOMMENDATION (S) OF THE MAGISTRATE JUDGE**

Comes now Petitioner, Jeffery Baker Jr, Pro-Se, unlearned in law, subject to error, respectfully, and in good faith, and moves this Honorable Court to order the Magistrate Judge to publish the Findings and Recommendations in the case. As grounds, petitioner shows the following:

1. In accordance with 28 U.S.C. §2254, the habeas corpus petitioner duly submitted his cause in this Honorable Court on or about January 20, 2006, for appropriate relief.
2. After a request for an additional 30 days in which to file response to petitioner's habeas petition, Respondents filed an answer to the petition on March 29, 2002.

3. Petitioner responded to the answer of Respondents on or about May 1, 2006, (Doc. No. 24) addressing respondents answer to the habeas petition in accordance with the directive of the Magistrate (Doc. No. 19-1) issued April 12, 2006.

4. The Petitioner's response to respondents answer requested permission to amend the habeas petition by withdrawing the claim that the sentence is excessive in violation of the Eight Amendment.

5. The Magistrate assigned the case timely published her finding and recommendations accordingly, recommending the following:

A. Petitioner's May 1, 2006 pleading, construed as a Motion to Dismiss claim that his sentence is excessive in violation of the Eight Amendment (Doc. No. 24), be and is hereby GRANTED;

B. Petitioner's remaining claim regarding whether he knowingly, intelligently, and voluntarily waived his Sixth Amendment right to counsel be referred back to the undersigned for further proceedings.

6. By order issued May 22, 2006, this Honorable Court adopted, approved and affirmed the findings and recommendations of the Magistrate Judge and referred the habeas petition back to the magistrate judge for further proceedings (Doc. No. 29-1).

7. No further proceedings in accordance with the May 22, 2006 order have occurred, the petitioner, and the petitioner's habeas petition is adversely affected thereby where the habeas petition is ripe for the appropriate judgment.

8. Petitioner is deprived of his Constitutional Rights by virtue of non-enforcement of the ripeness doctrine now vested in the federal district court, heretofore duly referred back to the Magistrate Judge for further proceedings by proper authority.

9. Petitioner unreasonably suffers from the unjust sentence, fines, costs, and restitutions ordered by the trial court and will continue to suffer so long as his Constitutional Rights are not appropriately requited by proper actions in this Honorable Court.

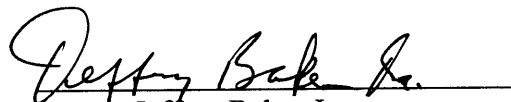
10. Petitioner suffers emotionally from the continuing shock of conscience associated with the denial of clearly established Constitutional Rights and continues to suffer the emotional and physical affect/effect so long as the federal authority withholds publishing the findings and recommendations herein inappropriately past due.

11. Petitioner is stigmatized in his community by the unconstitutional conviction and will continue to be stigmatized so long as his duly submitted habeas corpus petition is not acted upon by federal authority.

12. Excepting any procedural defect, which is not indicated by the magistrate or the record, the habeas applicant is entitled appropriate relief as justice require, which must include publishing the findings and recommendations of the magistrate judge.

WHEREFORE, petitioner merely seeks publishing of the findings and recommendation of the magistrate judge duly assigned the case by this Honorable Court. It is so prayed and respectfully submitted as a matter of right and law.


Done the 27th day of November 2006.


Jeffery Baker Jr.,
1357 County Road 3348
Brundidge, Alabama 36010
334-735-3548

CERTIFICATE OF SERVICE

I hereby certify that I have this day, November 27, 2006, served the forgoing Motion to Publish Recommendation on the Attorney of Record for the Respondents, by placing the same in the United States mail, with postage pre-paid and affixed thereto, and properly addressed as follows:

Mr. Cecil G. Brendle Jr.,
Assistant Attorney General
11 South Union Street
Montgomery, Al 36130-0152


Jeffery Baker Jr,